

REMARKS

In the Office Action mailed July 23, 2009 the Office noted that claims 1-55 were pending and rejected claims 1-55. Claims 50-55 have been amended, no claims have been canceled, and, thus, in view of the foregoing claims 1-55 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 101

Claims 50-55 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that the claims are directed to functional descriptive material.

The Applicants have amended the claim 50 to recite "[a] computer readable storage medium with a computer program tangibly recorded thereon embodying a set of instruction executed by a processor," as in claim 1.

Support for the amendment may be found, for example, in ¶ 0254 of the printed publication version of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of the claims.

The Applicants submit that the claims as now written comply with the requirements of MPEP § 2106.01.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claims 1, 4, 7, 10, 17-31, 34-35, 40, 43, 45, and 50-55 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

In particular on page 4 of the Office Action it is stated "in view of the nature and scope of applicant's invention, applicant presents an unreasonable number of claims which most of contents are repetitious and multiplied, the net result of which is to confuse rather than to clarify."

The Applicant respectfully disagrees. For example, claim 1 recites "a positional information notification system comprising **a mobile communication network** to which one or more terminals and one or more terminal position determination devices are connected," (emphasis added) while claim 7 recite "a positional information notification system comprising **two or more mobile communication networks** to which one or more terminals and one or more terminal position determination devices are connected." (Emphasis added)

However, as claim 7 requires at least two mobile communications network it patentably distinct from a system such as in claim 1 that can function with one mobile communication network.

As such, the variations in the claims are to distinct

and the Applicants request that all the claims be prosecuted on the merits.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 11-30 and 40-49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Evensen, U.S. Patent Publication No. 2003/0153332. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

First, the invention as embodied in the claims, as shown in Fig.4, the terminal 101 requires its positional information of the terminal position determination device 103 by the position request message (401). The terminal position determination device 103 obtains the positional information of the terminal 101 (403), after conducting the privacy check procedure (402), and provides the terminal 101 with obtained positional information (404). The terminal 101 notifies this positional information to the server 102 (405).

Here, the terminal position determination device 103 holds a privacy setting for a user of the terminal, as shown in Fig.2 (204).

As discussed on page 87, lines 10-15 of the specification, a list of servers that are allowed to be notified of the positional information and the precision of the positional information that the server can be notified of may be set as the

privacy setting for every user.

The terminal position determination device 103 which received the position request message from the terminal, upon receiving the position request message, determines whether the server 102 can be notified of the positional information from the terminal 101 in the privacy check procedure 402. If the notification is permitted, positional information is transmitted to the terminal 101.

On the other hand, Evensen describes operation in case a server (LCS Client) obtains the positional information on a terminal (UE) directly, as described by Abstract.

If the same information as the code (Approved Code), the service type, and the service ID (service identity) which were beforehand registered into HLR/HSS is included in the position request from the server, the position determination device (GMLC) will determine the position of a terminal, and will notify that position to the server.

Further, in Evensen, determination of whether to provide positional information is performed based on the information beforehand registered into HLR/HSS, and the keyword contained in a position request. Therefore, if the information registered into HLR/HSS is known, any servers can obtain the position of the terminal.

In contrast, in the claims, determination of whether the positional information device provides positional information

to the terminal is performed based on whether the information of the server that the terminal transmits positional information is registered in privacy setting for the user of the terminal. Therefore, only the server registered beforehand can obtain the position of the terminal.

Thus, Evensen fails to disclose "said terminal position determination device has privacy settings for users who use each of the terminals, and a privacy check unit, which privacy check unit having a function for determining, based on said privacy setting, whether to permit the notification of the positional information from said terminal to said selected server," as in claim 1.

Moreover, in Evensen, the server requests the positional information on a terminal of a position determination device.

In contrast, in the claims, the terminal requests positional information of the position determination device. Thus, Evensen fails to disclose "said terminal position determination device, **upon receiving said position request message from said terminal**, determines by using said privacy check unit whether to permit the notification of the positional information from said terminal to said selected server, and if permitted, provides to said terminal said information on the position of said terminal," (emphasis added) as in claim 1.

For this reason, the server in Evensen is equivalent to

the terminal of the claims. The server of the claims receives positional information from the terminal by communicating with the terminal.

That is, if the claims are applied to the embodiment of Evensen, an external node to which a server transmits the positional information on a terminal will exist, the server will transmit the information on the external node to the position determination device, and the position determination device will determine the propriety of a response of positional information by using the information on the external node.

Such an external node is not described in Evensen, and passing the information on such a natural external node to a position determination device is not described either.

For at least the reasons discussed above, claims 1, 4, 7, 10, 17-30, 40, 43 and 45 and the claims dependent therefrom are not anticipated by Evensen.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 31-39 and 50-55 stand rejected under 35 U.S.C. § 103(a) as being obvious over Evensen in view of Ichimura, U.S. Patent Publication No. 2003/0084119. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Ichimura adds nothing to cure the deficiencies of

Evensen as applied against the claims as discussed above. Therefore, for at least the reasons discussed above, Evensen and Ichimura, taken separately or in combination, fail to render obvious the features of claims 31-39 and 50-55.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112, 101, 102 and 103. It is also submitted that claims 1-55 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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